



Crl.M.P.No.14289 of 2024
in Crl.A.No.451 of 2020

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2025

CORAM:

**THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN**

Crl.M.P.No.14289 of 2024
in Crl.A.No.451 of 2020

Jayakumar

... Petitioner/sole accused

Vs.

State represented By
The Inspector Of Police,
All Women Police Station,
Coonoor, Nilgiris District
Crime No.02/2017

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of the Criminal Procedure Code, seeking to suspend the sentence in judgement of conviction dated 20.02.2020 passed in Special Calendar No.02/2018 on the file of the learned Sessions Judge of Magalir Neethimandram (FTMC), Udhagamandalam, Nilgiris and enlarge the petitioner on bail, pending disposal of Crl.A.No.451 of 2020 on the file of this Court.



Crl.M.P.No.14289 of 2024
in Crl.A.No.451 of 2020

WEB COPY

For Petitioner : Mr.C.D.Sugumar

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor
assisted by Ms.M.Arifa Thasneem

ORDER

(Order of the Court was made by *M.S.RAMESH. J.*)

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence in judgement of conviction dated 20.02.2020 passed in Special Calendar Case No.02 of 2018 by the learned Sessions Judge of Magalir Neethimandram (FTMC), Udthagamandalam, Nilgiris and enlarge the petitioner on bail, pending disposal of Criminal Appeal.

2. The petitioner herein is the sole accused. The learned Sessions Judge of Magalir Neethimandram (FTMC), Udthagamandalam, Nilgiris in Spl.C.C.No.02 of 2018, has convicted the petitioner and sentenced him as follows:-



Crl.M.P.No.14289 of 2024
in Crl.A.No.451 of 2020

WEB COPY

<i>Accused</i>	<i>Offence</i>	<i>Sentence</i>
Sole accused	Section 5(1) r/w Section 6 of POCSO	Rigorous imprisonment of 10 years and a fine of Rs.1,000/-, i/d. one month S.I
	Section 5(j)(ii) r/w Section 6 of POCSO Act	Imprisonment for life and a fine of Rs.2,000/- i/d. two months S.I

The sentences are ordered to run concurrently.

3. Challenging the above conviction and sentence, the petitioner has filed the above Criminal Appeal and he seeks for suspension of sentence and bail in the present miscellaneous petition.

5. Heard Mr.C.D.Sugumar, learned counsel appearing for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor, appearing for the respondent/Police.

6. Taking into consideration the fact that the petitioner/sole accused has been under incarceration from 13.02.2019 for about 6 ½ years, as well the fact that the appeal is not likely to be taken up in the near future, we are inclined to suspend the sentence of the petitioner, in the light of the decision of the Hon'ble Supreme Court in the case of **Satender Kumar**



Crl.M.P.No.14289 of 2024
in Crl.A.No.451 of 2020

WEB COPY

Antil Vs. Central Bureau of Investigation and Another reported in ***(2023) 1 SCC (Cri) 1***, wherein the Hon'ble Supreme Court had recorded that a prolonged appeal against an accused under custody or incarceration would be violative of Article 21 of the Constitution of India. So also, in the case of ***Vishnubhai Ganpatbhai Patel and Another Vs. State of Gujarat*** passed in ***Criminal Appeal No.3415 of 2023, dated 03.11.2023***, which dealt with suspension of sentence on the ground of prolonged incarceration.

11. Accordingly, this Criminal Miscellaneous Petition stands **allowed**, and the sentence imposed on the petitioner herein, is suspended on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties each, for a like sum to the satisfaction of the learned Sessions Judge of Magalir Neethimandram (FTMC), Udhagamandalam, Nilgiris;

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Trial Court may obtain a copy of



WEB COPY



Crl.M.P.No.14289 of 2024
in Crl.A.No.451 of 2020

their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and

(iii) The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 A.M., until the disposal of the appeal and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day, in lieu of the date of his absence, as directed by the Trial Court.

(M.S.R, J.)

(V.L.N, J.)

31.07.2025

Index: Yes/No

Anu

Note: Issue order copy on 01.08.2025

To

1.The Sessions Judge of Magalir Neethimandram (FTMC),
Udhagamandalam, Nilgiris

2.The Inspector Of Police,
All Women Police Station,
Coonoor, Nilgiris District



WEB COPY



Crl.M.P.No.14289 of 2024
in Crl.A.No.451 of 2020

M.S.RAMESH, J.
and
V.LAKSHMINARAYANAN, J.

Anu

3.The Superintendent,
Central prison, Coimbatore.

4.The Public Prosecutor,
High Court, Madras.

Crl.M.P.No.14289 of 2024
in Crl.A.No.451 of 2020

31.07.2025